

**BOROUGH OF DUMONT
COUNTY OF BERGEN
JOINT LAND USE BOARD**

**RESOLUTION GRANTING CHANGE OF USE AND SITE PLAN APPROVAL
WITH RESPECT TO THE PROPERTY KNOWN AS
111 WEST MADISON AVENUE
BLOCK 1207, LOT 1, BOROUGH OF DUMONT,
COUNTY OF BERGEN, STATE OF NEW JERSEY**

WHEREAS, an Application for change of use and site plan approval has been made to the Dumont Joint Land Use Board pursuant to N.J.S.A. 40:55D-70(c) by **MICHAEL PECORARO**, (the "Applicant") in connection with proposed change of use and improvements upon the property commonly known as 111 West Madison Avenue, more particularly described as Block 1207, Lot 1 on the Tax Map of the Borough of Dumont, County of Bergen, State of New Jersey (the "Property"); and

WHEREAS, the Applicant has applied to this Board for variance relief pursuant to N.J.S.A. 40:55D-70(c) from the restrictions of the following sections of the Zoning Ordinance of the Borough of Dumont:

Ordinance Section 355-3 C (2) Site Plan

Ordinance Section 455-17 H (1) Parking

Ordinance Section 455-17 H (7) Parking--Handicap

The subject Application seeks site plan and change of use approval; and

WHEREAS, the Application was duly considered by the Joint Land Use Board at a public hearing (via virtually and telephonically via Webex) on September 29, 2020; and

WHEREAS, the Applicant gave proper notice in accordance with law; and

WHEREAS, at said public hearings the Joint Land Use Board received the following documents in evidence:

1. Application dated July 23, 2020;

2. Survey prepared by Andrew A. Schmidt, PLS of Schmidt Surveying dated July 22, 2020 entitled "Survey of Property, Tax Lot 1, Block 1207, 111 West Madison Avenue, Borough of Dumont, Bergen County, New Jersey; and

3. Applicant letter dated August 20, 2020 with testimony regarding handicap parking.

WHEREAS, the public had an opportunity to be heard on the Application at said hearing; and

WHEREAS, the Joint Land Use Board heard the sworn testimony from the Applicant, Michael Pecoraro, having an address at 610 Fermery Drive, New Milford, New Jersey 07646, who testified in support of the Application; and

WHEREAS, the Board received a report on the Project dated September 29, 2020, from Maser Consulting PA, Board Engineer indexing that the Application is complete from an engineering viewpoint; and

WHEREAS, following the hearing held on September 29, 2020, the Joint Land Use Board approved the Application, subject to certain conditions; and

WHEREAS, the Board now wishes to set forth its findings, conclusions and conditions with respect to the Application;

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board that the following facts are hereby made and determined:

1. The proceedings in this matter were stenographically transcribed and voice recorded. The facts in this Resolution are not intended to be all-inclusive but merely a summary and highlight of the complete record made before the Board.
2. The Applicant is the owner of the property commonly known as 111 West Madison Avenue, Dumont, New Jersey, and more particularly described as Block 1207, Lot 1 on the Tax Map of the Borough of Dumont. Said property is located within the "B2" Business and Commercial District pursuant to the Zoning Ordinance of the Borough of Dumont.

3. The Applicant's Attorney, Dean Stamos, Esq., presented an overview of the project stating that it is a change of use plus the Applicant will be a garage to the exterior of the building and changing the parking. The property is currently a dentist's office. The Applicant intends to purchase the property and proposes to re-purpose the current dentist office into two (2) independent office spaces. One space will be by the Applicant for his electrical business and the other space will be rented to an appointment-based business.
4. In support of the Application, through his attorney, Dean Stamos, Esq., presented testimony from the Applicant, Michael Pecoraro, who was sworn in by the Board.
5. Mr. Pecoraro testified that he intends to purchase the property and proposes to re-purpose the current dentist office into two (2) independent office spaces. One space will be for his electrical business and the other space will be rented to an appointment-based business.
6. Mr. Pecoraro further testified that he proposes constructing a 10.3' x 24.3' garage to store three (3) vehicles and various equipment. There is a sufficient number of parking spaces available. Mr. Pecoraro indicated that he has three (3) employees and the general public will not be coming to the proposed office.
7. At the conclusion of Mr. Pecoraro's testimony, the hearing was opened to questions from the public. No members of public had questions for Mr. Pecoraro.
8. At that time, the testimony of Mr. Pecoraro was closed to the public and the Board felt all concerns were adequately addressed.

CONCLUSIONS OF LAW:

WHEREAS, the Board, after careful deliberation, found that this Application has met the requirements of for site plan and change of use approval and the Board has determined that the relief sought can be granted without a substantial negative impact, provided all conditions of approval are satisfied or met; and

WHEREAS, The Board finds that the purposes of zoning are advanced where the proposal promotes the upgrading of the area through creative development techniques and good civic design and arrangement, and complies with the Borough's site plan ordinance. The Board concludes and agrees that the site can operate safely with the proposed improvements and parking is adequate and compliant with Borough requirements.

NOW THEREFORE, be it resolved by the Joint Land Use Board of the Borough of Dumont that the within Application for site plan and change of use approval shall be granted subject to the following conditions:

CONDITIONS SPECIFIC TO THE APPLICATION

1. Applicant would comply with the requirements of the Board Engineer's review correspondence dated September 29, 2020.
2. One (1) handicapped parking space to be added.

GENERAL CONDITIONS

1. The Applicant shall comply with all of the stipulations made during the hearing on this Application.
2. The Application must comply with the necessary requirements of the zoning

ordinances of the Borough of Dumont and the Municipal Land Use Act of the State of New Jersey, N.J.S.A. 40:55D-2 et seq.

3. The Applicant shall develop, prepare and improve the subject premises so as to conform with all of the details shown on the aforementioned plans and submissions, as presented to the Board and in accordance with the zoning ordinances, building codes and all other standards and ordinances unless expressly stated to the contrary within the approvals granted.
4. No building structure or land shall be occupied until such time as the Zoning Officer of the Borough of Dumont shall issue a final Certificate of Zoning Compliance to ensure compliance with the Board's decision.
5. Unless otherwise addressed herein or at the hearing held on September 29, 2020 the Applicant shall comply with the recommendations of the Board's professional and any other post-approval reports. The Applicant's professionals shall amend the architectural plans to reflect these recommendations in the form of drawing detail and/or written construction note detail format as necessary. In addition, the Applicant's professionals shall amend any engineering reports, engineering calculations that were presented as a part of the testimony before the Board as necessary and/or required by the Board Engineer and the Board Planner. All such amendments shall be submitted to the Board Engineer and Board Planner for review within thirty (30) days of the adoption of this Resolution. A Planting Plan shall be submitted to the Board Planner for her approval. Failure to provide same within this time period may result in this Resolution being declared null and void.
6. Within thirty (30) days of the approval of this Resolution by the Board, the Applicant shall, if necessary, post any additional escrow funding that may be required to reimburse the Borough's professionals for the review of this Application. Failure to provide such escrow fees may result in this Resolution being declared null and void.

7. The completed revised plans and submissions must be approved and signed by the Board Chairman, and Board Secretary, prior to submission to the Zoning Officer of the Borough of Dumont Certificate of Zoning Compliance, and prior to the issuance of any building permits.
8. The Applicant is responsible for publishing notice of this decision as required by the M.L.U.L.

This Application was approved by the Joint Land Use Board at its regular meeting on September 29, 2020 upon motion of Board Member, Ken Armellino and seconded by Board Member, Gino Zilocchi upon the roll call as follows:

Ayes: 9

Nays: 0

Absent: 0

Abstain: 0

ROLL CALL:

Rafael Riquelme	Class I	Y
Nico Attanasio	Class II	Y
Jimmy Chae	Class III	Y
Kenneth Armellino	Class IV	Y
Barbara Chen	Class IV	Y
Graeme Dutkowsky	Class IV	Y
Alfred Moriarty	Class IV	Y
Elmer Pacia	Class IV	Y
Gino Zilocchi	Class IV	Y

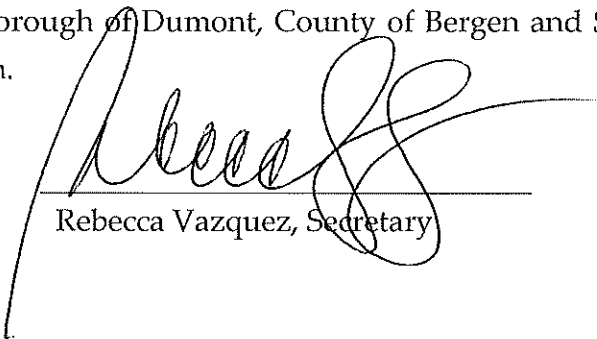
This Resolution was adopted on the 27th day of October, 2020 upon the motion of BARBARA CHEN and seconded by KENNETH ARMELLINO by a vote of 8 Ayes and 0 Nays.



Graeme Dutkowsky, Chairman

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Applicant, Borough Clerk, Construction Code Official and Zoning Officer of the Borough of Dumont.

I do certify that this is a true and correct copy of the Resolution as adopted by the Joint Land Use Board of the Borough of Dumont, County of Bergen and State of New Jersey in the within Application.



Rebecca Vazquez, Secretary